

EXHIBIT 3

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Sent: Tuesday, November 24, 2020 8:39 PM
To: Makker, Amit (Bay Area); Flentje, August (CIV); Kelleher, Diane (CIV); Rosenberg, Brad (CIV); Zee, M. Andrew (CIV); Ehrlich, Stephen (CIV)
Cc: #C-M NATIONAL URBAN LEAGUE V ROSS - LW TEAM
Subject: RE: National Urban League v. Ross, No. 5:20-cv-5799-LHK (N.D. Cal) – Service of Discovery

Amit,

We appreciate your offer. At this time, Defendants are continuing to study Plaintiffs' requests and are working to ascertain the volume of materials that could potentially be responsive. As you know, Plaintiffs requested an extraordinarily short window for our responses to these requests, and we are not going to be in a position to have a meaningful meet and confer before we submit those responses. We believe discussing the scope of Defendants' production and ways to streamline the burden that Plaintiffs' broad requests impose will be more productive after we have more time to evaluate your requests and our collected documents, and you have an opportunity to review our responses. We are happy to set up a time to talk next week.

Best,
Aleks

Alexander Sverdlov

Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
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From: Amit.Makker@lw.com <Amit.Makker@lw.com>
Sent: Tuesday, November 24, 2020 5:55 PM
To: Flentje, August (CIV) <AFlentje@CIV.USDOJ.GOV>; alexander.haas@usdoj.gov; Kelleher, Diane (CIV) <DKellehe@CIV.USDOJ.GOV>; Rosenberg, Brad (CIV) <BRosenbe@civ.usdoj.gov>; Zee, M. Andrew (CIV) <mzee@CIV.USDOJ.GOV>; Sverdlov, Alexander V. <ASverdlo@civ.usdoj.gov>; Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>
Cc: NATIONALURBANLEAGUEVROSS.LWTEAM@lw.com
Subject: RE: National Urban League v. Ross, No. 5:20-cv-5799-LHK (N.D. Cal) – Service of Discovery

Counsel-

We have not heard from you on our offer to meet and confer regarding Plaintiffs' requests, so we are reaching out again.

The sooner we meet and confer, the more streamlined and less burdensome Defendants' document productions will be. As is typical, the parties should work together, for example, on focusing on the right custodians and keyword search terms. In addition, as we have previously discussed, many of the requests can likely be resolved in a straightforward way, by printing out reports or making data available from Defendants' databases and electronic programs (i.e., for most if not all of the requests requiring information about Census metrics, completion, and so on). But a discussion with you

on what data and reports are available will be critical, and will serve to avoid unnecessary motion practice. Additionally, summary report type documents should be readily available, for example in explaining the processing anomalies that the Bureau has publicized.

Please let us know when you are available to discuss these issues. As you know, there is an extremely limited window for discovery in this case, and the first tranche of documents is set for production next Tuesday, December 1. We very much want to avoid additional unnecessary motion practice here, but if a motion to compel becomes necessary, we will have to file it almost immediately, on an expedited timeframe, so our meet and confer process should start now. We believe that the Court would expect the same.

Would tomorrow at 1pm Pacific work? It would be good to do this before Thanksgiving. We can use the following dial-in information if that time works:

Dial: 877-205-3155

Code: 100721

Thank you,
-Amit Makker

From: Makker, Amit (Bay Area) <Amit.Makker@lw.com>

Sent: Tuesday, November 17, 2020 8:38 PM

To: august.flentje@usdoj.gov; alexander.haas@usdoj.gov; diane.kelleher@usdoj.gov; Rosenberg, Brad (CIV) <Brad.Rosenberg@usdoj.gov>; Zee, M. Andrew (CIV) <M.Andrew.Zee@usdoj.gov>; Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>; stephen.ehrlich@usdoj.gov

Cc: #C-M NATIONAL URBAN LEAGUE V ROSS - LW TEAM <NATIONALURBANLEAGUEVROSS.LWTEAM@lw.com>

Subject: National Urban League v. Ross, No. 5:20-cv-5799-LHK (N.D. Cal) – Service of Discovery

Counsel-

Attached please find for service Plaintiffs' First Set of Requests for Production (No. 1-22) in the *National Urban League v. Ross* action. Plaintiffs are available to meet and confer with Defendants immediately to discuss what data/materials are readily available for production, the right limitations on custodians, agreements on keyword searching, and if any specific time limitations beyond those already included in or contemplated by the requests would be appropriate. As per our call last week, we want to minimize production burdens as much as reasonably possible, and the sooner we can discuss and address any requests or concerns from Defendants, the more we can all ensure a timely document production and an ultimate deposition schedule that provides for as much flexibility, at year-end, as possible.

Per agreement, we are serving these by email—if you would like hard copy sent as well, please let us know.

Best regards,

Amit Makker

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